



Petition Number: 1506-SPP-15 & 1506-ODP-16

Subject Site Address: *NWC 159th Street and Towne Road*

Petitioner: Langston Residential Development, LLC by Nelson & Frankenberger, P.C.

Request: Primary Plat and Overall Development Plan review for **Bent Creek** consisting of 162 single-family lots.

Current Zoning: SF2: Single-Family Low Density District with Zoning Commitments

Current Land Use: Vacant

Approximate Acreage: 129.74 acres+/-

Property History: 0407-REZ-05 Change of Zoning, Ordinance 04-43 (12/13/04)

Associated Cases: 1506-ZC-02, Zoning Commitment modification (pending)

Exhibits:

1. Staff Report
2. Location Map
3. Primary Plat
4. Overall Development Plan
5. Landscape Plan
6. Common Area 13 Commitment
7. Neighbor Meeting Summary; February 4, 2016
8. Site Plan Comparison (May 2015 vs. Feb. 2016 versions)

Staff Reviewer: Kevin M. Todd, AICP

PROCEDURAL

Approval of a Primary Plat and an Overall Development Plan must be granted if the submitted plans demonstrate compliance with the terms of the underlying zoning district, subdivision control ordinance and/or applicable PUD District Ordinance, any variances associated with the site, and any commitments associated with the site.

This petition received a public hearing at the Advisory Plan Commission's (the "APC") June 1, 2015 meeting and received a second public hearing at the February 16, 2016 APC meeting, in accordance with the APC Rules of Procedure.

PROJECT OVERVIEW

The 129.74-acre+/- site is located on the north side of 159th Street and the west side of Towne Road (see **Exhibit 2**). The property is zoned Single-Family 2 and is also bound by commitments that were made when the property was zoned to SF-2 in 2004 (Ordinance 04-43). The request is for approval of a Primary Plat



and Overall Development Plan (see **Exhibit 3**) for the development and subdivision of the property into 162 single-family residential lots.

A neighborhood meeting was held on February 4, 2016. A summary of that meeting has been provided for reference (see **Exhibit 6**).

The petition was reviewed by the Technical Advisory Committee at its May 19, 2015 meeting.

PLAN MODIFICATIONS BETWEEN JUNE 2015 AND FEBRUARY 2016

In response to public comments raised during the June 1, 2015 public hearing, the Overall Development Plan and Primary Plat were modified as follows:

1. Entrance on 159th Street moved to the west, across from a field instead of homes.
2. North/south internal street moved to be more centrally-located within the project.
3. Amenity area moved to be more centrally-located within the project.
4. Right-of-way stubs added to property to the west and north(east).
5. Pavement within the right-of-way stub to the north(west) was shortened, per neighbor request.
6. Internal pedestrian pathways extended.
7. 4 residential lots have been added (158 lots to 162 lots).

UPDATE SINCE FEBRUARY 16, 2016

Public comments raised during the February 16, 2015 public hearing regarding specific improvements to the 159th Street right-of-way have resulted in the petitioner working with the Westfield Public Works Department to establish a plan for widening 159th Street between Towne Road and Rippling Creek Way (the Bent Creek entrance on 159th Street). A summary of the 159th Street improvements can be found under "Department Comments", Item 2 (c) below. No changes to the plans have been made since February 16, 2016.

PRIMARY PLAT STANDARDS (Article 10.12(J) of UDO)

The Primary Plat complies with the following standards:

- 1) Proposed name of subdivision.
- 2) Names and addresses of the owner, owners, land surveyor or land planner.
- 3) Title, scale, north arrow and date.
- 4) Streets on and adjoining the site of the proposed subdivision, showing the names (which shall not duplicate other names of streets in the community, unless extensions of such streets) and including roadway widths, approximate gradients, types and widths of pavement, curbs, sidewalks, cross-walks, tree plantings and other pertinent data.
- 5) Easements (locations, widths and purposes). (Article 8.3)
- 6) Statement concerning the location and approximate size or capacity of utilities to be installed.



- 7) Layout of Lots (showing dimensions, numbers and square footage). (Article 4.5)
- 8) Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds or other public, semi-public or community purposes.
- 9) Contours at vertical intervals of two (2) feet if the general slope of the site is less than ten percent (10%) and at vertical intervals of five (5) feet if the general slope is greater than ten percent (10%).
- 10) Tract boundary lines showing dimensions, bearings, angles, and references to section, township and range lines or corners.
- 11) Building setback lines. (Article 4.5)
- 12) Legend and notes.
- 13) Drawing indicating the proposed method of drainage for storm sewers and other surface water drainage.
- 14) Other features or conditions which would affect the subdivision favorable or adversely.
- 15) A National Cooperative Soil Survey Map showing the soil limitations based upon the intended usage of the development land.
- 16) A statement from County departments, State highway departments, or the Public Works Department concerning rights-of-way, road improvements, roadside improvements, roadside drainage, entrances, culvert pipes, and other specifications deemed necessary.

Comment: Per WPWD, additional improvements will need to be made to 159th Street prior to construction. Details of the necessary improvements should be depicted on subsequent construction plans and approved prior to or contemporaneously with Secondary Plat approval. See "Department Comments", Item 2 (c) below for a summary of the needed improvements.

- 17) If private sewage systems, then a statement from the County Health Officer whether private septic system can be used on the property.
- 18) If legal drain is involved, then a statement from the County Drainage Board or County Surveyor's Office concerning easements, right-of-way, permits, etc.
- 19) If floodplain is involved, then a statement from the Indiana Department of Natural Resources, Division of Water, concerning construction in floodway, including floodplain high water marks, etc.

DESIGN STANDARDS (Chapter 8 of UDO)

The Primary Plat complies with the following standards:

- 20) Block Standards (Article 8.1).
- 21) Easement Standards (Article 8.3).
- 22) Monument and Marker Standards (Article 8.5).
- 23) Open Space and Amenity Standards (Article 8.6)

- 24) Pedestrian Network Standards (Article 8.7)
- 25) Storm Water Standards (Article 8.8)
- 26) Street and Right-of-Way Standards (Article 8.9)

Comment: The required stub road at the eastern end of Flowing Creek Place currently terminates into an existing buffer yard area (Common Area 13). That buffer yard area was negotiated with the adjacent property owner in 2004 as part of the original zoning approval. However, the UDO requires connectivity to this property in the event of future development. In order to maintain the existing buffer yard (and in order for the petitioner to remain compliant with previous agreements with the neighbor), the City has agreed to allow this buffer yard to remain as buffer yard/common area until the time in which the property to the east is developed and connected to Flowering Creek Place. At that time, the applicable common are will be converted to public right-of-way. A separate commitment agreement has been created to document this agreement. This commitment will need to be approved by the APC as a part of their approval of the Primary Plat and Overall Development Plan (See Exhibit 6).

- 27) Street Light Standards (Article 8.10)
- 28) Street Sign Standards (Article 8.11)
- 29) Surety Standards (Article 8.12)
- 30) Utility Standards (Article 8.13)

DEVELOPMENT PLAN (Article 10.7(G) of the UDO):

The Overall Development Plan complies with the following standards:

- 31) Area map insert showing the general location of the site referenced to Streets, section lines and alternative transportation plan system, as well as the Zoning District and use of adjacent property.
- 32) Address and legal description of the property.
- 33) Boundary lines of the property including all dimensions.
- 34) Location, name, centerline and width of all Streets, Private Streets, Alleys, access easements and alternative transportation plan system improvements that are existing or proposed to be located within or adjacent to the property.
- 35) Location, centerline and width (at the Lot Line) measurements of any proposed or existing Driveways within two hundred (200) feet of the property, and any connection to an Alley must be indicated.
- 36) Location and dimensions of primary vehicular ways in and around the proposed development, including depictions of all travel lanes, turning movements, vehicle storage areas and tapers.
- 37) All proposed Street and Driveway improvements, both on and offsite, including measurement of curb radius and/or taper.
- 38) Location and dimensions of existing and proposed sidewalks, pathways, trails or other alternate transportation plan improvements.



- 39) Layout, number, dimension and area (in square feet and acres) of all Lots and Outlots with Building Setback Lines.
- 40) Location and dimensions of all existing structures and paved areas.
- 41) Location and dimensions of all proposed structures and paved areas (indicated by cross-hatching).
- 42) Location of all Floodplain areas within the boundaries of the property.
- 43) Names of legal ditches and streams on or adjacent to the site.
- 44) Location and feasibility statement of all existing and proposed utility facilities and easements, including, but not limited to: sanitary sewer, water, storm water management, electric, gas, telephone and cable.
- 45) Identify buildings proposed for demolition.
- 46) Areas of the property reserved for Development Amenities, Open Space and other similar uses.
- 47) Use of each Lot and/or building by labeling, including approximate density or size of proposed uses and buildings (e.g., number of parking spaces, Dwelling Units, Gross Floor Area, Living Area).
- 48) Traffic Impact Study.

Comment: In lieu of performing an independent traffic impact study, the developer has agreed to participate with the City's broader study of this geographic area of the community. As such, the developer shall pay up to \$10,000, as determined by the Westfield Public Works Department, for their participation in this study prior to the issuance of an improvement location permit.

DEVELOPMENT PLAN REVIEW (Article 10.7(E) of the UDO):

The Overall Development Plan complies with the following standards:

- 49) Compliance with all applicable development and design standards of the Zoning District in which the real estate is located.
- 50) Compliance with all applicable provisions of any Overlay District in which the real estate is located.
- 51) Management of traffic will be in a manner that creates conditions favorable to health, safety, convenience, and the harmonious development of the community such that:
 - a) The design and location of proposed street and highway access points shall minimize safety hazards and congestion.
 - b) The capacity of adjacent streets and highways is sufficient to safely and efficiently accept traffic that will be generated by the new development.
 - c) The entrances, streets and internal traffic circulation facilities in the proposed development are compatible with existing and planned streets and adjacent development.

- 52) The applicable utilities have sufficient capacity to provide potable water, sanitary sewer facilities, electricity, telephone, natural gas, and cable service at a satisfactory level of service to meet the needs of the proposed development.

DISTRICT STANDARDS

The Overall Development Plan complies with the following standards:

- 53) Minimum Lot Area: 15,000 square feet (may be reduced by 3 x the lot width if utilizing a 59' street cross-section to accommodate street trees).
- 54) Minimum Lot Frontage: 50 feet
- 55) Minimum Building Setback Lines:
- a) Front Yard: 30 feet (may be reduced by 3 feet if utilizing a 59' street cross-section to accommodate street trees).
 - b) Side Yard: 12 feet
 - c) Rear Yard: 30 feet
- 56) Minimum Lot Width: 100 feet

DEVELOPMENT STANDARDS (Chapter 6 of UDO)

The Overall Development Plan complies with the following standards:

- 57) Architectural Standards (Article 6.3)
- a) Perimeter Lots (Article 6.3(C)(1))
 - b) Streetscape Diversity (Article 6.3(C)(2)). At minimum of two (2) of the following three (3) design objectives shall be met:

Comment: The proposed plan does not incorporate Item (ii) below. As a result, compliance with Item (i) and Item (iii) below be reviewed for compliance by the Department at the time of the building permit review for each individual home.

- i) The front façade of a front-load garage shall be recessed from the Front Building Facade by at least five (5) feet. A rear-load garage or a side-load garage, with a minimum of twenty-five (25) square feet of windows in the Building Facade oriented toward the Street, shall also meet this objective.
- ii) Building Setback Lines shall vary within each Block to eliminate monotonous building placement. Front Yard Building Setback Lines should be staggered to allow a range of six (6) feet offset within the Block and have a minimum variation of two (2) feet increments from adjacent Lots. Staggered Building Setback Lines may not be required to meet this standard where winding streets or a similar development design achieve the same effect.



iii) Single-Family Dwellings located on adjacent Lots with a Front Lot Line abutting the same Street shall, at the time of the issuance of the Certificate of Occupancy:

- (1) Be a significantly different front Building Facade (i.e. architectural style, roof lines, window placement, proportion of siding materials) than the adjacent Lot. Minor variations in architectural features or materials (i.e. shutters, door styles, siding patterns) shall not qualify as significantly different if the Dwelling on the adjacent Lot is of a similar floorplan;
- (2) Have a different primary siding color than the adjacent Lot; and
- (3) Have a different color from the adjacent Lot for at least one (1) of the following exterior elements: Masonry Material, the trim, any accent siding (e.g., board and batten, shake).

c) Building Materials (Article 6.3(C)(3))

Comment: This will be reviewed for compliance by the Department at the time of the building permit review for each individual home.

58) Building Standards (Article 6.4)

59) Landscaping Standards (Article 6.8)

- a) Detention and Retention Areas
- b) Street Trees

Comment: WPWD will need to approve street tree species at the time of installation.

c) Minimum Lot Landscaping Requirements

SF Residential (over 8,000 sq.ft.) 158 Lots	Required	Provided	Compliance
Shade Trees	632	4 per Lot	Compliant
Evergreen/Ornamental Trees	316	2 per Lot	Compliant
Shrubs	632	4 per Lot	Compliant

Open Space/Common Area 31 acres	Required	Provided	Compliance
Shade/Evergreen/Ornamental Trees	310	565	Compliant

d) External Street Frontage Landscaping

Towne Road (1,500')	Required	Provided	Compliance
Shade Trees	45	45	Compliant
Evergreen Trees	60	60	Compliant
Ornamental Trees	45	45	Compliant
Shrubs	375	375	Compliant
30' Landscaping Area		Yes	Compliant
3' Undulating Mound		2'-3' undulating mound	Compliant

159 th Street (2,100')	Required	Provided	Compliance
Shade Trees	63	63	Compliant
Evergreen Trees	84	84	Compliant
Ornamental Trees	63	63	Compliant
Shrubs	525	525	Compliant
30' Landscaping Area		Yes	Compliant
3' Undulating Mound		2'-3' undulating mound	Compliant

e) Buffer Yard Requirements

West Buffer Yard (2,398 feet)	Required	Provided	Difference
Shade Trees	72	72	Compliant
Evergreen Trees	72	72	Compliant
Shrubs	240	240	Compliant
30' Buffer Yard		Yes	Compliant

North Buffer Yard (1,324 feet)	Required	Provided	Compliance
Shade Trees	40	40	Compliant



Evergreen Trees	40	40	Compliant
Shrubs	133	144	Compliant
30' Buffer Yard		Yes	Compliant

Buffer Area One (1,969 feet)	Required	Provided	Difference
Shade Trees	60	60	Compliant
Evergreen Trees	60	182	Compliant
Shrubs	197	197	Compliant
30' Buffer Yard		Yes	Compliant

60) Lot Standards (Article 6.10)

61) Setback Standards (Article 6.16)

62) Vision Clearance Standards (Article 6.19)

63) Yard Standards (Article 6.21)

COMPLIANCE WITH COMMITMENTS: (pending 1506-ZC-02)

This report identifies all commitments that are applicable at the Primary Plat and Overall Development stage of the review process. All commitments concerning architectural design will be reviewed as building permits for individual buildings are submitted.

64) Density. No more than 168 single-family residences shall be constructed upon the Real Estate. – **COMPLIANT**

65) Buffer Area One. -- **COMPLIANT**

- a) The Developer shall install Buffer Area One consisting of fifty (50) feet in width, which shall be common area and shall not be part of any Lot or Lots.
- b) Within such Buffer Area One, the Developer shall plant two (2) rows of spruce evergreen trees, each row being twenty (20) feet on center with such spruce evergreen trees being at least five (5) feet in height at time of planting. Such trees shall be installed contemporaneously with the commencement of the development of the Real Estate and shall be completed prior to the initial paving of any roads.
- c) The Declaration of Covenants shall provide (i) for the establishment of such Buffer Area One, (ii) that such Buffer Area One shall be maintained by the Homeowner's Association and (iii) that any trees located in Buffer Area One that die or are damaged shall be replaced by the Homeowner's Association.



66) Front Landscaping.

- a) Front yard landscaping shall include sixteen (16) shrubs, eighteen (18) inches in height at the time of planting.
- b) Front yard landscaping shall include at least one (1) yard tree (2" minimum caliper outside planting bed).

DEPARTMENT COMMENTS

- 1) Approve the requested waivers that would:
 - a) Allow cul-de-sac lengths be greater than 600 feet, and
 - b) Reduce the number of required pedestrian connections extending from cul-de-sacs.
- 2) If the above waivers are approved, the Primary Plat and Overall Development Plan comply with the applicable zoning and subdivision regulations. Staff recommends approval of 1506-SPP-15 and 1506-ODP-16 with the following conditions:
 - a) Approval of the associated commitment regarding the Flowing Creek Place stub street right-of-way/Common Area 13 (see Exhibit 6) be granted by the APC.
 - b) In lieu of performing an independent traffic impact study, the developer has agreed to participate with the City's broader study of this geographic area of the community. As such, the developer shall pay up to \$10,000, as determined by the Westfield Public Works Department, for their participation in this study prior to the issuance of an improvement location permit.
 - c) The following improvements to the north side of 159th Street (between Towne Road and Rippling Creek Way) be made prior to construction/installation of any infrastructure or lots south of the John Edwards Drain:
 - i. 159th Street be widened and paved with a total of 24 feet of asphalt (11' travel lanes with 1' paved shoulders);
 - ii. All existing, impacted culverts be properly extended;
 - iii. Any existing, impacted utilities be relocated; and,
 - iv. All public improvements be made in accordance with the Westfield Construction Standards.
 - d) All necessary approvals be obtained from the Westfield Public Works Department and the Hamilton County Surveyor's Office prior to the issuance of an improvement location permit.
- 3) If any Plan Commission member has questions prior to the public hearing, then please contact Kevin Todd at 317.379.6467 or ktodd@westfield.in.gov.